

1. Claims 38-62,65-75 are pending. Claims 63-64 canceled.

Response to Arguments

2. Applicant's arguments filed 3/05/08 have been fully considered but they are not persuasive to overcome the prior art.

Claim 38;

A. Applicant argues the prior art does not teach or suggest "component" such as graphics images, audio, video, multimedia files, forms, applet etc. (specification, page 7 line 14).

Examiner points out the prior art taught the HTML file comprises one each of a text, still image, dynamic image, sound and the dimensional CG [Murata, col 6 lines 35-48, Fig 8].

B. Applicant argues the prior art does not teach or suggest "dynamic prompting" (not in claim 50).

Examiner points out the prior art taught generate sub window and output the summary in the sub window [Murata, step S4, Fig 5]; the dynamic information read section 29 [Murata, col 14 lines 3-62, Fig 48]; the path display section with menu for selection [Murata, col 13 lines 5-29, Fig 46]. Since the invention was a program download a file with reference and prompting a dialog box is well-known in the Internet/Window/browser environment. It's obvious not patentable.

C. Applicant argues the prior art does not teach or suggest "select information after download".

Examiner points out the prior art taught the information read section 1 accesses to a server and reads out (i.e.: download) an HTML file and the information presentation section 3 display the content of descriptions description (i.e.: components) [Murata, col 5 line 36-col 6 line 8] and the user selects or reads out by button icon Murata, step S6, Fig 5].

Claims 50,61 and 75:

Applicant argues the prior art does not teach or suggest “after downloading of said document has commenced”.

Examiner points out the subject matter is not described in specification.

Claim Rejections - 35 USC § 101

3. the claimed invention is directed to non-statutory subject matter.
i.e.: (claim 61) a computer product comprising a computer program as software per se and is not description material.

Claim Rejections - 35 USC § 112

4. Claims 38, 50, 61, 75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

i.e.: "after commencing to download the file" and "a tangible embodied" was not written description in specification. This feature is not presented in claims 73-74.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 38-62,65-75 are rejected on the ground of nonstatutory double patenting over claims 1-39 of U. S. Patent No. 6,021,418 ('418) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

('418) 7. A server connected via a network to a client, comprising:
a work-frame code that, when retrieved and interpreted by a browser located at the client, displays a work-frame at the client;

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information that, when retrieved and interpreted by the browser, is displayed in the work-frame ;
a control-frame code (i.e.: HTML) that, when retrieved and interpreted by the browser, displays a control-frame at the client;
a control-object function (i.e.: component) that identifies the control-frame code (i.e.: reference) , wherein the control-object function, when retrieved and interpreted by the browser, displays a control-object in the control-frame;
a task-frame code that, when interpreted by the browser, creates a task-frame (i.e.: dynamically prompting);
a task code that, when interpreted by the browser, displays a task control-object in the task-frame, wherein the browser retrieves the information (i.e.: download) and the control-object function from the server in response to a user selecting the task control-object; and
memory, containing the work-frame code, the information, the control-frame code, the task-frame code, the task code, and the control-object function.

(Application) 38. An apparatus comprising:

at least one processor;
a memory coupled to the at least one processor; and
a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components, said computer program dynamically prompting a user to select which of said plurality of components to download after commencing to download the file.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See MPEP § 804.

Claim Rejections - 35 USC § 102

Claims 38-62,65-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Murata et al [Murata 6,021,418].

6. Claim 38, Murata discloses An apparatus comprising:

at least one processor; a memory coupled to the at least one processor [Murata, a work

station, col 1 line 10-35]; and

a computer program residing in the memory [Murata, a browser, col 1 lines 10-35], said computer program commencing to download a file referencing a plurality of components [Murata, reads out or download an HTML file with image, text, col 5 lines 35-67], said computer program dynamically prompting [Murata, generate sub window and output the summary in the sub window, step S4, Fig 5; the dynamic information read section 29, col 14 lines 3-62, Fig 48; the path display section with menu for selection, col 13 lines 5-29, Fig 46] a user to select which of said plurality of components to download after commencing to download the file [Murata, the information read section 1 accesses to a server and reads out (or download) an HTML file and the information presentation section 3 interprets the HTML file and display the content of description (or display the components), col 5 line 36-col 6 line 8] and the user selects or reads out by button icon, step S6, Fig 5].

7. Claim 39, Murata discloses said computer program comprises a web browser application [Murata, a browser, col 1line13].

8. Claim 40, Murata discloses said file comprises a hypertext markup language (HTML) document [Murata, HTML, col 5 lines 24-35].

9. Claim 41, Murata discloses said computer program includes a component download selection mechanism, said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is downloaded [Murata, the information read section access a server to read out an HTML file, Fig 6].

10. Claim 42, Murata discloses said computer program comprises a web browser and wherein said component download selection list is formed in a second pane of said web browser and displayed with said file [Murata, browser, col 1 line 13].
11. Claim 43, Murata discloses said component download selection list is formed in a dialog box [Murata, dialog box, col 15 line 34].
12. Claim 44, Murata discloses the component download list is inserted into said file and displayed to a user with said file [Murata, path data file, Fig 43].
13. Claim 45, Murata discloses said component download selection list contains the file name for each of said plurality of components [Murata, INFOR NAME, col 6 lines 49-67, Fig 6; file name, col 13 line 38].
14. Claim 46, Murata discloses said component download selection list contains the type for each said plurality of components [Murata, data type, col 17 lines 36-46].
15. Claim 47, Murata discloses said component download selection list contains the size of each said plurality of components [Murata, size, col 13 line 55].
16. Claim 48, Murata discloses said component download selection list includes a status item, said status item dynamically displaying the amount of each of said plurality of components that has been downloaded [Murata, access status, col 14 lines 1-5].
17. Claim 49, Murata discloses said status item includes the percentage of a component downloaded as inherent feature of access status.
18. Claim 50, Murata discloses A method for downloading a document, the document including a document with references to a plurality of components, the

method comprising the steps of:

- a) downloading said document [Murata, reads out an HTML file from a server, col 5 lines 35-col 6 line 8];
- b) prompting [Murata, generate sub window and output the summary in the sub window, step S4, Fig 5; the dynamic information read section 29, col 14 lines 3-62, Fig 48; the path display section with menu for selection, col 13 lines 5-29, Fig 46] a user to select which of said plurality of components to download after downloading of said document has commenced [Murata, the information read section 1 accesses to a server and reads out (or download) an HTML file and the information presentation section 3 interprets the HTML file and display the content of description (or display the components), col 5 line 36-col 6 line 8] and the user selects or reads out by button icon, step S6, Fig 5]; and
- c) downloading said selected components [Murata, select data format (text, image) to read out is displayed, col 8 lines 19-47].

Claim 51-60 are content the identical limitations set forth in claims 39-49. Therefore claims 51-60 are rejected for the same rationale set forth in claims 39-49.

19. Claim 61, Murata discloses A program product comprising:

- (a) a computer program, said computer program commencing to download a file referencing a plurality of components, said computer program dynamically prompting a user to select which of said plurality of components to download after commencing to download the file [Murata, the information read section 1 accesses to a server and reads out (or download) an HTML file and the information presentation section 3

interprets the HTML file and display the content of description (or display the components), col 5 line 36-col 6 line 8] and the user selects or reads out by button icon, step S6, Fig 5]; and

(b) a computer readable medium upon which said download selection mechanism is tangibly embodied [Murata, memory section, col 5 lines 46].

20. Claim 62, Murata discloses said computer program includes a component download selection mechanism, said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is downloaded [Murata, generate sub window and output the summary in the sub window, step S4, Fig 5; the dynamic information read section 29, col 14 lines 3-62, Fig 48; the path display section with menu for selection, col 13 lines 5-29, Fig 46].

21. Claim 62,65-72 are content the identical limitations set forth in claims 39-49.

Therefore claims 62,65-72 are rejected for the same rationale set forth in claims 39-49.

22. Claim 73, Murata discloses An apparatus comprising:
at least one processor; a memory coupled to the at least one processor [Murata, an a computer, col 1 lines 13]; and
a web browser application residing in the memory, said web browser application including a component download selection mechanism [Murata, an apparatus with an information read section accesses to a server and reads out an HTML file, col 5 lines 35-67], said component download selection mechanism dynamically creating a

component download selection list when an HTML document with a plurality of components is downloaded, said component download selection mechanism prompting a user to select which of said plurality of components to download [Murata, Fig 43].

23. Claim 74, Murata discloses A method for downloading an HTML document from a web server to a web browser, the document including a document with references to a plurality of embedded components {Murata, a browser, col 1 line 13; a HTML file with text, image, col 5 lines 35-67], the method comprising the steps of:

- a) requesting said HTML document from said web server [Murata, col 5 lines 35-67];
- b) parsing said HTML document for references to said plurality of embedded components [Murata, HTML and href, col 6 lines 19-48];
- c) prompting a user to select which of said plurality of embedded components to download by displaying a component download selection list on said web browser [Murata, the information read section 1 accesses to a server and reads out (or download) an HTML file and the information presentation section 3 interprets the HTML file and display the content of description (or display the components), col 5 line 36-col 6 line 8] and the user selects or reads out by button icon, step S6, Fig 5]; and
- d) requesting from said web server said selected embedded components [Murata, select text, image, col 8 lines 19-47].

24. Claim 75, Murata discloses An apparatus comprising:

at least one processor; a memory coupled to the at least one processor [Murata, an a computer, col 1 lines 13]; and

a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components [Murata, an apparatus with an information read section accesses to a server and reads out an HTML file, col 5 lines 35-67], said computer program dynamically prompting [Murata, generate sub window and output the summary in the sub window, step S4, Fig 5; the dynamic information read section 29, col 14 lines 3-62, Fig 48; the path display section with menu for selection, col 13 lines 5-29, Fig 46] a user to select which of said plurality of components to download after commencing to download the file, wherein the computer program is further configured to receive user input that selects at least one of the plurality of components, to commence to download at least one selected component from the plurality of components, and to display the file with the selected component embedded therein [Murata, the information read section 1 accesses to a server and reads out (or download) an HTML file and the information presentation section 3 interprets the HTML file and display the content of description (or display the components), col 5 line 36-col 6 line 8] and the user selects or reads out by button icon, step S6, Fig 5].

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thong H Vu/
Primary Examiner, Art Unit 2619